

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LARRY G. DOCKERY,
on behalf of himself and all others
similarly situated,

Plaintiffs,

v.

STEPHEN E. HERETICK, et al.,

Defendants,

and

NEW YORK LIFE INSURANCE CO., et al.,

Nominal Defendants.

Civil Action No. 17-cv-4114

**RENEWED MOTION OF DEFENDANT, SENECA ONE FINANCE, INC., TO
DISMISS PLAINTIFFS' COMPLAINT OR, IN THE ALTERNATIVE, TO
TRANSFER ACTION TO THE EASTERN DISTRICT OF VIRGINIA**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(3), and 12(b)(6), Defendant, Seneca One Finance, Inc. ("Seneca"), hereby moves this Honorable Court for an Order dismissing Plaintiffs' Complaint, with prejudice, based on the legal arguments and authorities set forth in the accompanying Brief filed contemporaneously herewith. More specifically, Seneca seeks an Order dismissing Plaintiffs' Complaint, with prejudice, as to Seneca because (1) the Court lacks subject matter jurisdiction over Plaintiffs' claims for relief, (2) Plaintiffs fail to state a claim upon which relief may be granted, and (3) venue in this Court is improper.

In the unlikely event that the Court does not dismiss Plaintiffs' Complaint, Seneca seeks an Order, under 28 U.S.C. § 1404(a), transferring this action, at Plaintiffs' expense, to the United

States District Court for the Eastern District of Virginia “for the convenience of parties and witnesses” and “in the interest of justice.”

Respectfully submitted,

FOX ROTHSCHILD LLP

Dated: April 26, 2018

By: /s/ Melissa E. Scott

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CERTIFICATE OF SERVICE

I, Melissa E. Scott, Esquire, hereby certify that, on April 26, 2018, I caused true and correct copies of the Renewed Motion of Defendant, Seneca One Finance, Inc., to Dismiss Plaintiffs' Complaint or, in the Alternative, Transfer Action to the Eastern District of Virginia, and the Proposed Orders thereto to be served on the following persons via United States First-Class Mail:

<p>Jerome M. Marcus, Esquire Jonathan Auerbach, Esquire Marcus & Auerbach LLC 1121 N. Bethlehem Pike Suite 60-242 Spring House, PA 19477</p> <p style="text-align: center;"><i>Counsel for Plaintiffs</i></p>	<p>Jeffrey B. McCarron, Esquire Swartz Campbell & Detweiler Two Liberty Place, 28th Floor 50 South 16th Street Philadelphia, PA 19102</p> <p style="text-align: center;"><i>Counsel for Defendant, Stephen E. Heretick, Esquire</i></p>
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<p>Joseph C. Crawford, Esquire A. Christopher Young, Esquire Samuel D. Harrison, Esquire Pepper Hamilton LLP 3000 Two Logan Square 18th & Arch Streets Philadelphia, PA 19103</p> <p><i>Counsel for Purchaser Defendants, 321 Henderson Receivables LLC and J.G. Wentworth Originations LLC</i></p>	<p>Structured Settlement Investments, L.P. 4629 State Road Drexel Hill, PA 19026</p> <p><i>Purchaser Defendant</i></p>
<p>Stephen B. Harris, Esquire Susan J. Stauss, Esquire Drinker Biddle & Reath LLP One Logan Square 18th & Cherry Streets Philadelphia, PA 19103-6996</p> <p><i>Counsel for Nominal Defendants, Metropolitan Life Insurance Company and New York Life Insurance Company</i></p>	<p>Mark R. Kehoe, Esquire Yvette N. Bradley, Esquire McElroy Deutsch Mulvaney & Carpenter, LLP One Penn Center 1617 John F. Kennedy Blvd, Suite 1500 Philadelphia, PA 19103</p> <p><i>Counsel for Nominal Defendant, Symetra Life Insurance Company</i></p>

Dated: April 26, 2018

/s/ Melissa E. Scott

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